

MINUTE ITEM

29. OFFER TO STATE OF OPTION TO PURCHASE IMPROVEMENTS ON CERTAIN TIDE AND SUBMERGED LANDS IN NEW YORK SLOUGH AT PITTSBURG, CONTRA COSTA COUNTY, UNITED STATES OF AMERICA - W.O. 3369.

After consideration of Calendar Item 33 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ADVISE THE UNITED STATES OF AMERICA THAT THE STATE DOES NOT DESIRE TO PURCHASE THE IMPROVEMENTS LOCATED ON STATE SOVEREIGN LANDS COVERED BY USER PERMIT AGREEMENT F.R.C. 398.1.

Attachment

Calendar Item 33 (2 pages)

CALENDAR ITEM

33.

OFFER TO STATE OF OPTION TO PURCHASE IMPROVEMENTS ON CERTAIN TIDE AND SUBMERGED LANDS IN NEW YORK SLOUGH AT PITTSBURG, CONTRA COSTA COUNTY, UNITED STATES OF AMERICA - W.O. 3369.

In 1950, subsequent to the dismissal of a condemnation action, the Commission authorized the issuance to the United States of America of right-of-user permit agreement P.R.C. 398.1, covering approximately 2.72 acres of tide and submerged lands in New York Slough at Pittsburg, Contra Costa County, at an annual fee of \$1, for the maintenance and use of an embarkation wharf adjacent to Camp Stoneman.

The permit provides that:

1. Title to improvements remain in the United States.
2. In the event the improvements are to be sold, the State shall have first refusal on the purchase of such improvements at a price determined by the United States.
3. In the event the State declines to purchase the improvements, the United States shall be entitled to sell them to any purchaser of its choice, and the State agrees that it will lease the underlying fee to the buyer of the improvements.
4. The permit is subject to termination by the United States at any time by notice to the State.

Notification has been received that it is the intention of the United States to dispose of the facility at the earliest possible date and that the State may purchase for \$195,000 those improvements located on the State's sovereign lands.

The improvements on State lands consist of a partially covered wooden wharf, approximately 650 feet in length, which is of superior construction and in excellent condition, and a portion of a wood-frame warehouse which was originally a bean-storage structure.

In conformance with the request of Mr. Carr, made at the November 18, 1959 Commission meeting, the facilities were offered to other State departments and agencies. All replies to the offer were negative except the reply from the Department of Fish and Game which requests additional time to review the matter.

The Department of Fish and Game has been advised that the final date for Commission action is December 17, 1959, because of the December 21, 1959 expiration of the United States' offer and of the State's right to procure the improvements without the competition of a public bid. Therefore, unless the Department of Fish and Game, prior to the date of this meeting, has concluded that it has a use for the facility and is in position to purchase

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the improvements it would not appear to be in the best interest of the State to purchase the improvements.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ADVISE THE UNITED STATES OF AMERICA THAT THE STATE DOES NOT DESIRE TO PURCHASE THE IMPROVEMENTS LOCATED ON STATE SOVEREIGN LANDS COVERED BY USER PERMIT AGREEMENT P.R.C. 398.1.